

### **REMARKS**

Applicants enclose certified English translation of the priority document of German Patent Application No. 100 37 074.8, which was filed July 29, 2000. The present application properly claims priority to German Patent Application No. 10 037074.8. Applicants have previously filed a certified priority document and the Examiner has acknowledged priority under 35 U.S.C. § 119. Applicants respectfully submit that the present application is entitled to the benefit of the earlier filing date of July 29, 2000. Applicants respectfully request reconsideration of the outstanding rejections.

#### **Withdrawn Rejection**

Applicants acknowledge that the rejection based on Mussell U.S. Patent No. 5,882,810 has been withdrawn.

#### **Rejection Under 35 U.S.C. § 102(e)**

The Examiner rejects claims 1-7 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2001/0024748 ("Mizuno"). Applicants respectfully traverse this rejection.

Applicants respectfully disagree with the Examiner, and submit that the Examiner has failed to establish a *prima facie* case for anticipation based on the Mizuno reference, because this reference does not qualify as prior art under 35 U.S.C. §102(e).

The 35 U.S.C. §102(e) date for Mizuno is the filing date in the U.S., which is March 29, 2001. Applicants have properly claimed priority to German Patent Application No. 100 37 074.8, which was filed July 29, 2000, under 35 U.S.C. § 119. Accordingly, Applicants' priority date is before the March 29, 2001 filing date of Mizuno. Thus, Mizuno does not qualify as prior art under 35 U.S.C. §102(e) and Applicants respectfully request that this rejection be withdrawn.

#### **Rejection Under 35 U.S.C. § 103(a)**

The Examiner rejects claim 8 under 35 U.S.C. §103(a) as allegedly being obvious

over Mizuno in combination with U.S. Publication No. 2002/0037449 ("Binder").

Applicants respectfully traverse this rejection.

Applicants respectfully disagree with the Examiner, and submit that the Examiner has failed to establish a *prima facie* case for obviousness based on the Mizuno reference in combination with the Binder reference. As discussed above, the filing date of Mizuno in the U.S. is March 29, 2001. Applicants have properly claimed priority to German Patent Application No. 100 37 074.8, which was filed July 29, 2000, under 35 U.S.C. § 119. Accordingly, Applicants' priority date is before the March 29, 2001 filing date of Mizuno. Thus, Mizuno does not qualify as prior art under 35 U.S.C. §102(e) or §103.

With regard to Binder, the filing date in the U.S. is July 19, 2001. Applicants' priority date is before the July 19, 2001 filing date in the United States for Binder. Thus, Binder does not qualify as prior art under 35 U.S.C. §102(e) or §103. Accordingly, Mizuno and Binder do not qualify as prior art under 35 U.S.C. §103 (a) and Applicants respectfully request that this rejection be withdrawn.

### **Conclusion**

In view of the foregoing remarks set forth above, reconsideration and allowance are respectfully solicited.

If any additional fees are due please charge our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



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